



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold Schwarzenegger
Governor

August 8, 2007

In the Matter of

Water Quality Certification

for the

**LAKE COUNTY DPW – ELK MOUNTAIN ROAD STORM EROSION REPAIR
PROJECTS
WDID NO. 1B07047WNLA**

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| APPLICANT: | Lake County Department of Public Works |
| RECEIVING WATER: | Dashiell Creek and Unnamed Tributaries to the Eel River |
| HYDROLOGIC UNIT: | Lake Pillsbury Hydrologic Subarea 111.63 |
| COUNTY: | Lake |
| FILE NAME: | Lake Co. DPW – Elk Mountain Road Storm Erosion Repair Projects |

BY THE EXECUTIVE OFFICER:

1. On April 26, 2007 the Lake County Department of Public Works (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with storm damage repair projects on Elk Mountain Road at Post Miles 33.3, 35.9, and 37.7 in Lake County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 20, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The road surface and an existing culvert washed out at an unnamed stream channel at Post Mile 33.3. A temporary 36-inch diameter culvert was installed to keep the road open. The project involves removal of the temporary culvert and installation of a 72-inch diameter culvert in its place. The road surface and embankment around the culvert will be restored. A concrete headwall will be installed at the culvert inlet and a rock energy dissipater will be placed at the outlet. Loose dirt and rock will be removed from the inlet and outlet areas of the channel. Disturbed areas will be seeded at the end of the project.

3. Dashiell Creek flows through a large culvert under Elk Mountain Road near Post Mile 35.9. The edge of the road and the supporting embankment failed on the east and downstream side of the crossing where the road surface is approximately forty-five feet above the creek channel. The slip-out extends approximately thirty feet along the road shoulder and extends approximately forty-five feet down the embankment slope toward the left bank of Dashiell Creek. The project involves filling the slip-out with approximately 450 cubic yards of fabric-backed rock slope protection (RSP). A temporary access ramp will be excavated on the upland slope adjacent to the slip-out area and a long reach excavator will be used to dig a toe trench at the base of the slip-out. The excavator will place RSP in the toe trench and up the slope of the slip-out to the edge of the road. The temporary equipment access area will be backfilled in the same manner.
4. Two unnamed stream channels cross under Elk Mountain Road near Post Mile 37.7. The ephemeral stream channels are approximately 150 feet apart. One channel crossing consists of a 12-inch culvert and the other crossing has two 24-inch culverts. The purpose of this project is to repair the embankment washout areas at the culverts and restore the embankments to the pre-existing shape and grade. RSP will be placed at the culvert outlets to stabilize the embankments. Loose dirt and rock will be removed from the inlet and outlet areas of the channel.
5. Compensatory mitigation is not required. Noncompensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control and the use of heavy equipment near a waterway. The projects are scheduled for the summer 2007 or 2008.
6. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
7. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404.
8. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15301 – existing facilities, pursuant to CEQA.

Receiving Water: Dashiell Creek and unnamed tributaries to the Eel River in the Lake Pillsbury Hydrologic Subarea No. 111.63.

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 0.016 acre of stream channel and 0.003 acre of streambank

Total Linear Impacts: Length Temporarily Impacted: 35 feet of existing culverted stream channel
Length Permanently Impacted: 35 feet of stream channel

Dredge Volume: None

Latitude/Longitude: 39.40390 N/123.03949 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Elk Mountain Road Storm Erosion Repair Projects (WDID No. 1B07047WNLA), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. Equipment used for placing the RSP shall be operated from the road surface.
9. RSP shall not extend into the wet channel of Dashiell Creek.

10. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
14. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

18. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

20. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Robert L.A. Lossius, Lake County Department of Public Works, 255 N. Forbes St., Lakeport, CA 95453

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398